[Dr. Narreddy Thulasi Reddy]

It is a very good Bill. This will prevent exploitation of the consumers and the Government by the manufacturers. This will benefit the consumers. This will benefit the public exchequer. But I am expressing one doubt regarding the implementing process. I would like to request the Government to take steps for proper implementation of this Bill.

Sir, I have one more suggestion which is regarding Consumer Welfare Fund. Please use this Fund only for the welfare of the consumers such as to create awareness or to give financial assistance or in some other way. Sir, with these few words I support this extraordinary good Bill.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Shri Shabbir Ahmad Salaria. Shri Sourendra Bhattacharjee. Both are not here. Mr. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI RAMESHWAR THAKUR): Madam Vice-Chairman, I am really grateful to the hon. Members for their welcoming the Bill and giving unanimous support to the provisions of the Bill which was long overdue. So far as the Consumer Welfare Fund is concerned, I have taken note of the suggestions made by the hon. Members. Rules will be framed. There is no difficulty. We will see and ensure that the amount, if it could be refunded to the ultimate consumer, is refunded; otherwise it will lie for the benefit of the consumers. So far as the suggestion regarding simplification is concerned, we have already taken steps to simplify and also to have rationalisation both in direct and indirect taxes and, I think, by the next Budget Session we will be able to bring something before this House. With these words, Madam, I request that this Bill be adopted.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): The question is:

"That the Bill further to amend the Central Excises and Salt Act, 1944 and Customs Act, 1962, as passed by Lo Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRIMAT JAYANTHI NATARAJAN): We sha now take up clause-by-clause consideratio of the Bill.

Clauses 2 to 15 were added to the Bill. Clause 1, the Enacting Formula and th Title were added to the Bill.

SHRI RAMESHWAR THAKUR: Ma dam, I move:

"That the Bill be returned."

The question was put and the motio was adopted.

THE VICE-CHAIRMAN (SHRIMAT JAYANTHI NATARAJAN): You coul move the next Bill and then we will ad journ.

THE REMITTANCES OF FOREIG EXCHANGE AND INVESTMENT I FOREIGN EXCHANGE BONDS (IM MUNITIES AND EXEMPTIONS) BIL 1991

THE MINISTER OF STATE IN TH MINISTRY OF FINANCE (SHR RAMESHWAR THAKUR): Madam, move:

"That the Bill to provide for ce tain immunities to persons receivin remittances in foreign exchange an to persons owning the Foreign E change Bonds and for certain exem tions from direct taxes in relation t such remittances and bonds and f matters connected therewith or inc dental thereto, as passed by Lo Sabha, be taken into consideration

Madam, after having considerable exp rience with the working of the policies r lating to the economic structure which w have dicussed—industrial policy and trad policy—Government has taken measur to ensure that those who have got mone

abroad bring the money in foreign remittances and the foreign remittances in India will be allowed without any income-tax, wealth-tax or gift-tax after a period—we have got a period—that is, up to 30th November 1991. Similarly, for those who want to buy bonds in foreign exchange, that is in dollars, the State Bank of India will be issuing those bonds and those bonds will be fully protected and those bonds could be held in dollars abroad or they could be brought into India. They could be transferred freely to others and the interest rate will be duly protected. These two measures have to be taken to ensure that we are able to augment the foreign exchange which is very much needed at the moment. We are hopeful that with the support and passage of this Bill we will be able to get sufficient amount of remittance in foreign exchange and also investment in foreign exchange bonds for which this Remittances of Foreign Exchange and Investment in Foreign Exchange Bonds (Immunities and Exemptions) Bill, 1991, is placed before this House for consideration.

The question was proposed.

1.00 P.M.

SHRI M. S. GURUPADASWAMY: On a point of order. This Bill is contrary to the Constitution and the law of the land. Whatever army be the financial compulsions of the Government, the Government cannot legalise, the Government has no authority to legalise, what is patently illegal. The law of the land is very, very clear, that black money or monies which are illegal cannot be condoned in any manner. This Bill validates what is patently wrong and immoral.....

SHRI N.K.P. SALVE (Maharashtra): Is it immoral or illegal?

SHRI M. S. GURUPADASWAMY: Both illegal and immoral...

SHRI N.K.P. SALVE: Illegal, how?

SHRI M. S. GURUPADASWAMY: It is illegal because the law of the land does not. (*Interruptions*).

THE VICE-CHAIRMAN (SHRIMATI JAYATHI NATARAJAN): Please let him complete. We have to adjourn for lunch. I will take care of it after he has completed his observation.

SHRI M. S. GURUPADASWAMY: The law of the land does not permit you to legalise what is patently illegal, that is, black money. If you this pass this measure, you will be opening a floodgate for bringing black money. Therefore, it is illegal and it is also immoral. This is my objection. I would like you to ponder over this and give us your ruling.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): In this House we don't discuss the legality of the Bill. It is not for us to discuss. The point raised by you will be answered by the Minister when he gives his reply. The legality of the Bill cannot be discussed in this House.

SHRI M. S. GURUPADASWAMY: The legality of the Bill is the concern of the House. Your observation is that this House is not competent to discuss the legality...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): That is not my observation. I am saying we cannot substitute ourselves for a court.

SHRI M. S. GURUPADASWAMY: We are not substituting ourselves for a court. We are a legislative body. We are not the Supreme Court. The point is whether the law we are going to pass is valid or not.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): As I have understood you... (*Interruptions*).

SHRI M. S. GURUPADASWAMY: You didn't have patience at all. This House is concerned with the legality or otherwise of the measure that is under discussion.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): I am giving my raling.... (*Interruptions*).

SHRI R. K. DHAWAN (Andhra Pradesh): No, no. This House cannot discuss the legality.

SHRI M. S. GURUPADASWAMY: Don't question the authority of the law. The House is competent to discuss the legality or otherwise of any measure.

SHRI R. K. DHAWAN: You could have done it earlier at the stage of introduction.

SHRI M. S. GURUPADASWAMY: I am not concerned with the introduction. I am talking of the legality. Don't mix up the two. You can object to it. But don't question the legality or the powers of the House.

SHRI MADAN BHATIA (Nominated): It is not up to this honourable House to sit in judgment on the constitutionality of a Bill. This power under the Constitution vests only with the judiciary. That is one. Two. This stand of the honourable Member that it is legalising the black money and therefore it is unconstitutional is also baseless because the Supreme Court held in the Black Bonds case that the issue of Black Bonds which was meant to give legality to the black money was a valid issue.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): I understood your objection, Mr. Gurupadaswamy, to be that the matter cannot be discussed in the House because, according to you, it was illegal. Therefore, my ruling was. (*Interruptions*).

SHRI M. S. GURUPADASWAMY: Supreme Court is Supreme Court and Parliament is Parliament.

SHRI MADAN BHATIA: You go neither by the House nor by the Supreme Court. It is funny.

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Therefore my ruling was... (*Interruption*)...

SHRI MADAN BHATIA: Mr. Gurupadaswamy, you do not follow the constitution nor do you follow the norms of the House.... (*Interruptions*)...

SHRI V. NARAYANASAMY: You cannot say it is illegal... (*Interruptions*).

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATARAJAN): Mr. Gurupadaswamy, what you are saying is that the authority of the House is supreme and that is exactly what I am saying. My ruling was that the matter should be discussed in the House and the objection to its discussion on the grounds that it is illegal is not something which can be considered here. The Consitutionality or otherwise has to be decided by the Supreme Court and that is why the mater is open for discussion.. (*Interruptions*)...

SHRI M. S. GURUPADASWAMY: You are contravening the practice, the convention and the norms of this House which we have been following for all these years... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRIMATI JAYANTHI NATRAJAN): The Bill can be discussed and your question will be answered by the Minister. Now, the House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at six minutes past one of the clock.

The House reassembled at thirty-four minutes past two of the clock, The Vice-Chairman (Shri Bhaskar Annaji Masodkar) in the Chair.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): We shall now take up Private Members' legislative business. There are some Bills for introduction. Yes, Mr. Ramdas Agarwal.

THE REHABILITATION AND FINANCIAL ASSISTANCE TO VICTIMS OF TERRORISM BILL, 1990.

SHRI RAMDAS AGARWAL (Rajasthan): Sir, I beg to move for leave to introduce a Bill to provide for payment of monthly financial assistance and for other necessary facilities to the members